

THE STATE OF ALABAMA,

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Ou Are Hereby Commanded to Summon ANDRAN JAMES GRASS AND MARCHILS GRASS GOODEN of appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against ANDRAN JAMES GRASS AND MARCHILA GRASS GOODEN , Defendant														
TERM, 19 O ANY SHERIFF OF THE STATE OF ALABAMA: O appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against ANDREW JAMES CRASS AND MARCHALA CRASS GOODS Defendant	art d			MDMI	N COU	NTY		,				•		
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"MARCELLA CRASS COODEM PUR SSIMO SIMUL MONA

. Respondents.

TO THE HONORARIE HUBBRT M. HALL, JUDGE OF THE CIRCUIT COURT OF

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BALDWIN COUNTY, ALABAMA.

IN THE CIRCUIT COURT OF

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lands.

h. That the respondent, MARCELLA GRASS GOODEM, claims, or is reputed to claim, some right, title or interest in and to said lend, and complainants now call upon her to propound to the Court whatever interest she claims.

5. That, because of the fact there is a house on said lands, said property cannot be equitably divided among the said tenants in common without a sale thereof and a division of the

proceeds.

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ploy counsel in this action and they have employed Telfair J. Mashburn, Jr., of Bay Minette, Alabama, for the purpose of filling this bill to effect a division of said property among the said tenants in common.

7. That it will be to the best interest of all parties to this cause that it will be to the showe descritinis cause that an abstract of the above descrited property, in order that said abstract can be examined by propertive purchasers prior to a sale thereof, the cost of which said abstract should be taxed as a part of the costs of this proceeding.

SERVALIE BOS BEROEBEZ

WHEREVERS, THE PREMISES CONSIDERED, your Complainants pray that WHEREVERS, THE PREMISES CONSIDERED, your Complainants that that that the cause made that that that Honorable Court will take jurisdiction of the cause made the typecess make the bill of complaint, requiring them, and each of them, and each of them, and each of them, and severally, to plead, answer or demur to the same separately and severally, to plead, answer or demur to the same within the time, and into paint and penalties precribed by law and the practice of this Honorable Court; and that a guardian ad litem be appointed to represent the interests of the said ANDREW JAMES CRAES, age twenty years, and that such process be served on such persons as this Honorable Court shall direct on betterived or such persons as this interest may be fully and in all halfs protected.

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Start foners further pray that upon a hearing of the cause, your Honor will make and enter a decree granting them the

following separate and several relief:

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- l. That the above described property be ordered sold in the manner prescribed by law for a division emong the said tenants in common.
- 2. That your Honor will ascertain what interest, if any, the respondent, MARCELLA GRASS GOODEN, has in and to said property.
- 3. That the Register of this Court be authorized and empowered to have a complete abstract of title, covering the above described property, made, for examination by prospective purchasers, and that the costs of such abstract be taxed as a part of the costs in this proceeding.
- 4. That your Honor will make and enter a proper order, fixing the Solicitor's fee to be paid to your Patitioners' Solicitors,
 making it a common charge against the proceeds of the sale of the
 said property.

And, if your Petitioners be mistaken in the relief to which they are entitled in the premises, then the pray for such other, further, different or general relief as in equity and good conscience they may be entitled to receive, and, as in duty bound, they will ever pray, etc.

SOLICIFOR POR COMPLAINANTS

STATE OF ALABAMA, 0 COUNTY OF BALDWIN. 0

Before me, the undersigned authority, personally appeared Telfair J. Mashburn, Jr., whose name is signed to the foregoing bill of complaint as Solicitor for Complainants, and who is known to me, and who, being by me first duly sworn, deposes and says on eath: That he is informed and believes, and, on such information and belief, avers that the allegations of this bill of complaint are true and correct. Further deponent says not.

morrow & march

Sworn to and subscribed before me this 44 day of December, 1957.

NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

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IN THE CIRCUIT COURTROF. BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. Complainants GRASS Respondents

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JOHNSON AND FLORA DEAN GRASS HALL

ANDREW JAMES MARCELLA GRASS GOODEN.

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THE STATE OF ALABAMA.

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MARCELLA MARIE GRASS JOHNSON and FLORA DEAN GRASS HALL. Complainants, 0000 VS.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO.

ANDEN JAMES GRASS and MARCELLA GRASS GOODEN.

Respondents.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

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Come your Petitioners, MARCELLA MARIE GRASS JOHNSON AND FLORA DEAN GRASS HALL and, humbly complaining against ANDREW JAMES GRASS and MARCELLA GRASS GOODEN, respectfully represent and show unto your Honor as follows:

- That your complainant, MARCELLA MARIE GRASS JOHNSON, is over the age of twenty-one years and is a resident of said State and County, residing at Fairhope, Alabama; that the complainant. FLORA DEAN GRASS HALL is a married woman and is over the age of twenty years and is a resident of said State and County, residing at Fairhope, Alabama; that ANDREW JAMES GRASS is over the age of twenty years and is a resident of Fairhope, Baldwin County, Alabama, but is temporarily stationed at Fort Belvoir, Virginia, while serving in the Army of the United States; that MARCELLA GRASS GOODEN is over the age of twenty-one years and is a resident of said State and County, and her Post Office Address is % The Grand Hotel, Point Clear, Alabama.
- That your petitioners and the respondent, ANDREW JAMES GRASS are tenants in common, or joint owners, of the following described real property situated in Baldwin County, Alabama, to-wit:

From the Southwest Corner of Lot NINE, in Block 21, Division 4, of the Fairhope Single Tax Corporation Lands in the Town of Fairhope, run South 28.9 feet for a point of beginning; thence East and perpindicular to School Street 198 feet; thence North and parallel to School Street 94.1 feet; thence West 72.5 feet; thence South 50 feet; thence West 122.5 feet to the East line of School Street; thence South along School Street 44.9 feet to the point of beginning; and being a part of that property leased to WALTER R. ANACKER AND EMMA LEE ANACKER by lease dated September 20, 1946.

3. That your complainants and the respondent, ANDREW JAMES GRASS, each owns an undivided one-third interest in and to said lands.

- 4. That the respondent, MARCELLA GRASS GOODEN, claims, or is reputed to claim, some right, title or interest in and to said land, and complainants now call upon her to propound to the Court whatever interest she claims.
- 5. That, because of the fact there is a house on said lands, said property cannot be equitably divided among the said tenants in common without a sale thereof and a division of the proceeds.
- 6. That it has been necessary for your Complainants to employ counsel in this action and they have employed Telfair J.

 Mashburn, Jr., of Bay Minette, Alabama, for the purpose of filing this bill to effect a division of said property among the said tenants in common.
- 7. That it will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that said abstract can be examined by prospective purchasers prior to a sale thereof, the cost of which said abstract should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, your Complainants pray that this Honorable Court will take jurisdiction of the cause made by this bill of complaint, and by appropriate process make the said ANDREW JAMES GRASS AND MARCELLA GRASS GOODEN parties respondent to this bill of complaint, requiring them, and each of them, separately and severally, to plead, answer or demur to the same within the time, and under the pains and penalties prescribed by law and the practice of this Honorable Court; and that a guardian ad litem be appointed to represent the interests of the said ANDREW JAMES GRASS, age twenty years, and that such process be served on such persons as this Honorable Court shall direct on behalf of said minor that his interest may be fully and in all things protected.

PRAYER FOR RELIEF

Your Petitioners further pray that upon a hearing of this cause, your Honor will make and enter a decree granting them the

following separate and several relief:

- 1. That the above described property be ordered sold in the manner prescribed by law for a division among the said tenants in common.
- 2. That your Honor will ascertain what interest, if any, the respondent, MARCELLA GRASS GOODEN, has in and to said property.
- 3. That the Register of this Court be authorized and empowered to have a complete abstract of title, covering the above described property, made, for examination by prospective purchasers, and that the costs of such abstract be taxed as a part of the costs in this proceeding.
- 4. That your Honor will make and enter a proper order, fixing the Solicitor's fee to be paid to your Petitioners' Solicitors, making it a common charge against the proceeds of the sale of the said property.

And, if your Petitioners be mistaken in the relief to which they are entitled in the premises, then the pray for such other, further, different or general relief as in equity and good conscience they may be entitled to receive, and, as in duty bound, they will ever pray, etc.

SOLECITOR FOR COMPLAINANTS

STATE OF ALABAMA, 0 COUNTY OF BALDWIN. 0

Before me, the undersigned authority, personally appeared Telfair J. Mashburn, Jr., whose name is signed to the foregoing bill of complaint as Solicitor for Complainants, and who is known to me, and who, being by me first duly sworn, deposes and says on oath: That he is informed and believes, and, on such information and belief, avers that the allegations of this bill of complaint are true and correct. Further deponent says not.

Sworn to and subscribed before me this 4th day of December, 1957.

NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.